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Subject:— Opinions under the Prevention of Corruption Act 1947.

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C O N T E N T S.

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Sr. No.	R.I.No./ O. No.	Subject.	Pages.
		Opinions under the Prevention of Corruption Act, 1947.	
1.	15250 24-9-51	Sec. 6(c). Sec. 161 of I.P.C. Question whether action can be taken against the Municipality for failure to prosecute Shri Yelmar.	1-2

Legal Department.

Prosecution under S.161, I.P.C. withholding of sanction by Municipality Prevention of Corruption Act, 1947.

No prosecution for an offence under section 161 of Indian Penal Code can be filed against Shri Yelmar until the Municipality grants the necessary sanction. Section 6 of the Prevention of Corruption Act, 1947, deliberately provides a protection to the public servant accused of the offences mentioned in the section. The object of the section is to guard against vexatious proceedings against public servants and to secure the well considered opinion of a superior authority before a prosecution is launched against them. Section 6(c) of the Prevention of Corruption Act leaves this decision to the Municipality in case of Municipal servants and if the Municipality decides not to grant the sanction for whatever reasons it deems best no action can be legally taken against it to compel it to change its decision.

o/c Sd/-

Additional Secretary to Government.

U.R. to L.S.G. & P.H.D.No. 15250, dated the 24th September 1951.

C.G.R. 30-6

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